

REMARKS

Claims 45-52 are pending in the present application. By this reply, none elected claims 1, 2, 22, 24-25 have been cancelled, elected claims 3-21, 23 and 26-44 have been cancelled, and new claims 45-52 directed to the elected invention are added. Applicants' reserve the right to file a Divisional application directed to the non-elected claims, if desired.

Previous Amendment Not Responsive and Interview

In the PTO Notice dated April 18, 2007, the Examiner indicated that newly added claims 45-52 presented in the last Amendment dated March 12, 2007 is not fully responsive. To better understand the Examiner's position, a telephone Interview was conducted with the Examiner on April 25, 2007 (see the Interview Summary). The Examiner clarified that some of the independent claims (e.g., claim 45) recites "a management area for recording management information", which is too broad.

Although we disagree with the Examiner and are of the opinion that Applicants are entitled to recite features according to the elected invention in any scope (including broad) desired, Applicants are hereby submitting new claims 45-52, wherein "a management area for recording at least defect management information" is recited in claims 45 and 47, only to advance prosecution. Each of all independent claims recites "defect management information" and is directed to the elected embodied invention.

Thus, entry of the Substitute Amendment (to replace the last Amendment of March 12, 2007) is respectfully requested.

35 U.S.C. § 102 and § 103 Rejections

Claims 3-11, 23, 26-34 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Numata et al. (U.S. Patent 6,631,106). Claims 12-20 and 35-43 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Numata et al. in view of Applicants' disclosed background art. Claim 21 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Numata et al. in view of Martens U.S. 2005/0083830). Claim 44 has been rejected under 35 U.S.C. 103(a) as being

unpatentable over Numata et al. in view of Applicants' disclosed background art and in view of Martens. These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Previously rejected claims 3-21, 23 and 26-44 have been cancelled without acquiescing to any of the Examiner's allegations made in rejecting these claims, so as to advance prosecution. Accordingly, these rejections are moot with respect to the cancelled claims.

On the other hand, new claims 45-52 are added according to the elected invention. These new claims are allowable over the applied references at least for the following reasons.

First, as shown in elected Figures 6 and 7 of Applicants' invention, a spare area included in a data area comprises a replacement area for replacing a defective block as well as a management area for recording at least defect management information. For instance, a spare area (OSA) provided within the data area shown in Figure 6 includes both a replacement area 40 for linear replacement and an interim defect management area (IDMA) for recording at least defect management information. In clear contrast, Numata's spare area 70 as shown in Figure 6 only consists of a replacement area. Therefore, Numata fails to teach or suggest, *inter alia*, "the first spare area including a first replacement area for replacing a defective block and a management area for recording at least defect management information associated with a defective block" as recited in independent claim 45.

Further, Applicants' claimed first replacement area has a variable size, wherein a ratio of a size of the first replacement area to the size of the user data area is less than a predetermined value. As shown in Applicants' Figure 6, the replacement area 40 has a variable size which is dependent upon a size of the spare area and the management area as discussed at, e.g., paragraph [040] of the specification. In clear contrast, Numata's spare area 70 in each of Zones 0-17 has a fixed size already allocated as shown in Figure 7 and thus is not variable.

The other reference(s) do not correct these deficiencies of Numata and are only relied on to reject the features recited in dependent claims.

Therefore, Numata, either taken singularly or in combination with the other reference(s), fails to teach or suggest at least the above noted features recited in independent claim 45. Other independent 47, 49 and 51 recite similar features in a varying scope. Therefore, independent claims 45, 47, 49, 51 and their dependent claims 46, 48, 50 and 52 are patentable over the applied reference(s), and reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

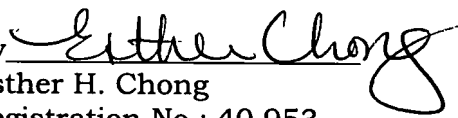
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong, Reg. No. 40,953, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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